Establishment of the Mangrove and Marine Biodiversity Conservation Foundation of Maharashtra.

Government of Maharashtra
Revenue & Forest Department
Government Resolution No. S-30/2015/CR 219/F-3.
Mantralaya, Mumbai 400 032
Dated : 23rd September, 2015

Read:- 1. Government of Maharashtra, Revenue & Forest Department Notification No. MIS- 2011/C.R.-373/F-7 dated 05.01.2012.
2. Government of Maharashtra Revenue & Forest Department Resolution No. S-10/2011/74/C.R.-454/F-3 dated 23.02.2012.
3. Government of Maharashtra Revenue & Forest Department Resolution No. S-10/2013/C.R. No. 64/F-3 dated 25.06.2013.
4. Government of India Ministry of Environment and Forests letter F.No. 6-43/2007 WL-I dated 01.08.2013.
5. PCCF (HOFF), MS, Nagpur Letter No. Desk 22(8)/ WL/Kandalvan/ C.R. 5 (15-16)/1291/15-16 dated 7/07/2015.

Background

Maharashtra has a long coastline of about 720 kilometers, which is home to a diverse range of coastal ecosystems such as mangroves, corals, rocky shores, sandy shores, mudflats etc. The coastal and marine environment not only supports an astounding variety of flora and fauna, but also provides a number of ecosystem services, which are crucial to the sustenance of life and livelihood security of coastal communities. Conservation of the coastal and marine environment is therefore of paramount importance. Recognizing the importance of mangroves and the need for their conservation, a "Mangrove Cell" was created by the Government in January 2012 vide ref (1) and (2). Government has also taken the decision to notify all mangroves on government land as Reserve Forests under the Indian Forest Act vide ref (3). Since its inception, the Mangrove Cell has done pioneering work in the following areas:

(i) Protection, regeneration and monitoring of mangrove areas and efforts to understand and document the mangrove diversity of the State, awareness generation and capacity building;
(ii) Conservation of endangered species of coastal and marine fauna such as corals, turtles, coastal birds, marine mammals etc. and interventions for ensuring fishery sustainability;
(iii) Pilot projects to improve the livelihood of coastal communities through interventions such as crab farming, oyster farming, apiculture etc.

There is an urgent need to scale up the above activities and to further promote research, education, ecotourism etc. to secure the biodiversity of our coastal and marine environment and to bring tangible benefits to the coastal communities. This is a mission, where governmental efforts can be complemented well by the corporate sector, semi government and non-governmental organizations. Creating an institution with the necessary skill set and the operational flexibility to address this complex task has been under the consideration of the government. Proposal submitted by PCCF (HoFF), Maharashtra State, Nagpur, vide letter under reference 5, for establishment of the Mangrove and Marine Biodiversity Conservation Foundation of Maharashtra was under consideration of the Government.

Government Resolution

The approval of Government of Maharashtra is hereby accorded for establishment of a "Mangrove and Marine Biodiversity Conservation Foundation" (Mangrove Foundation, in short) for the coastal areas of the State. The Foundation shall be registered under the Societies Registration Act, 1860. The "Memorandum of Association" and "Rules and Regulations" of the Foundation are appended herewith.

1) Objectives

The Foundation will work towards conservation of coastal and marine biodiversity and improving the livelihoods of the coastal communities through conservation-linked and ecofriendly interventions. The long term sustenance of the initiatives under the UNDP-GEF Project and the GIZ project on coastal and marine biodiversity conservation being implemented through Mangrove Cell and other similar projects shall also be ensured by the Foundation. The Foundation is established to carry out the following specific objectives:

(a) To conserve ecology and biodiversity of mangroves and marine biodiversity of Maharashtra, and the activities will include its protection, maintenance, restoration, regeneration, breeding, sustainable use and preservation of the same consistent with the relevant statutory provisions covering wildlife habitats and landscapes in coastal areas, marine zones, coral reefs, mangroves, beaches, sand dunes, mudflats etc.

(b) To promote sustainable livelihood opportunities, cultural heritage and community resilience (to address vulnerabilities including those caused by climate change) of local communities particularly fisher folk in the coastal areas of Maharashtra through awareness generation and capacity building programmes.

(c) To promote sustainable natural resource-based economic activities in rural areas of coastal, island and marine regions of the State.

(d) To promote eco-tourism and support development of related infrastructure facilities for nature education and enjoyment of general public and visitors in coastal, island and marine areas.

(e) To promote ecological and multi-disciplinary research for conservation, restoration and protection of mangroves and marine biodiversity in coastal, island and marine areas of the State with active involvement of key stakeholders including Central and State Governments and their undertakings, academic institutions and reputed Non-Government Organizations.

(f) To promote nature education on protection and conservation of mangroves and marine biodiversity.

(g) To mobilize resources from the civil society, universities, academic institutions, donor agencies, reputed companies, corporations, organizations and other bodies as well as researchers, volunteers and other persons for protection, conservation, development and sustainable utilization of mangroves and marine biodiversity in the State.

(h) To coordinate related works with experts, professionals, consultants, agencies, institutions, universities, organizations, associations and such other bodies engaged in research, protection, restoration, regeneration and development of mangroves and marine biodiversity.

(i) To facilitate collection, compilation and dissemination of information relating to mangroves, marine biodiversity and such other information as may be relevant to the objects of the Foundation from time to time.

(j) To provide inputs and suggestions regarding policies and schemes designed for conservation of mangroves and marine biodiversity in the state as well as sustainable livelihood development of local communities including fisher folks.

(k) To support the implementation of projects on coastal and marine biodiversity conservation, including the UNDP-GEF (Global Environment Facility) Project for Sindhudurg Coast, the GIZ project and other similar projects implemented by Mangrove Cell, to ensure the long-term sustenance of the project initiatives well beyond the project period and to replicate the successful programmes and best practices from these projects, elsewhere.

(l) To do all such things as may be necessary, incidental or conducive to the attainment of the objectives of the Foundation.

2) Board of Governors

The management, supervision and control of the affairs of the Foundation shall vest in its Board of Governors consisting of the following:

1	Hon'ble Chief Minister of Maharashtra	Patron
2	Hon'ble Minister (Forests), Maharashtra State	Chairperson
3	One member of State Legislature nominated by the Government of Maharashtra	Member
4	Additional Chief Secretary /Principal Secretary/ Secretary, Finance Department, Government of Maharashtra	Member
5	Additional Chief Secretary /Principal Secretary/Secretary (Environment), Government of Maharashtra.	Member
6	Additional Chief Secretary /Principal Secretary/Secretary (Tourism & Culture), Government of Maharashtra.	Member
7	Additional Chief Secretary /Principal Secretary/Secretary (Forests), Revenue & Forest Department, Government of Maharashtra.	Member
8	Principal Chief Conservator of Forests (HOFF), Maharashtra State.	Member
9	Principal Chief Conservator of Forests (Wildlife), Maharashtra State.	Member
10	Additional Principal Chief Conservator of Forests (Wildlife) West, Mumbai.	Member
11	Divisional Commissioner, Konkan Division.	Member
12	Chief Conservator of Forests (Territorial), Thane Circle	Member
13	Chief Conservator of Forests (Territorial), Kolhapur Circle	Member
14	Chief Executive Officer, Maharashtra Maritime Board, Mumbai	Member
15	Commissioner of Fisheries, Maharashtra State	Member
16	Chairperson, Maharashtra State Biodiversity Board	Member

17	Commander, Coast Guards Region (West) Mumbai, Maharashtra	Member
18	Representative of Ministry of Environment and Forests, Govt. of India	Member
19	Director, National Institute of Oceanography or his representative	Member
20	A person having expertise on Mangrove/ Coastal Biodiversity	Member
21	Representative of fishing community nominated by Government of Maharashtra	
22	Representative of a Non-Government Organization working on coastal and marine biodiversity conservation	Member
23	Chief Conservator of Forests, Mangrove Cell, Mumbai	Member Secretary

3) Executive Committee

For speedy decision-making, an Executive Committee consisting of the following is hereby constituted:

1	Chief Conservator of Forests, Mangrove Cell	Chairperson
2	Chief Conservator of Forests (Territorial), Thane or his representative	Member
3	Chief Conservator of Forests (Territorial), Kolhapur or his representative	Member
4	Conservator of Forests (Wildlife), Thane	Member
5	Member Secretary, Maharashtra Coastal Zone Management Authority	Member
6	A person having expertise on Mangrove/ Coastal Biodiversity and Member, Board of Governors	Member
7	A representative of Non-Government Organization working on coastal and marine biodiversity conservation and Member, Board of Governors	Member
8	A representative of the Maharashtra State Biodiversity Board	Member
9	Divisional Forest Officer/ Deputy Conservator of Forests, Mangrove Cell	Member Secretary

4) Headquarters of the Mangrove Foundation will be at Mumbai.

5) Chief Conservator of Forests, Mangrove Cell shall act as the Executive Director of Mangrove Foundation.

6) 3% of the project cost of Navi Mumbai International Airport, amounting to Rs. 115.71 crores, transferred to Forest Department as per the direction of the National Board of Wildlife[ref (3)] will form the corpus for the Foundation. The activities of the Foundation will be financed from the interest generated from this corpus. In future, funds received from User (Project) Agency against diversion of forest land involving mangroves shall be deposited with Mangrove Foundation. Besides this, the Foundation can also source funds from Central, State and Local Self Governments, Semi-Government, Public Sector, Private and Non-Government Organisations.

7) The Chief Conservator of Forests, Mangrove Cell shall open an account with a nationalized bank in the name of Executive Director of the Foundation. The above amount, deposited by CIDCO with Alibaug Division, along with interest generated thereon will be transferred to this account by Deputy Conservator of Forests, Alibaug with immediate effect.

8) The Chief Conservator of Forests, Mangrove Cell shall get the Foundation registered as a society under the Societies Registration Act, 1860, at the earliest.

This Government Resolution is issued with concurrence of Finance Department and Law & Judiciary Department.

This Government resolution of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 201509231217243419. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

TIWARI VIRENDRA RAMBAHAL

Digitally signed by TIWARI VIRENDRA RAMBAHAL
DN: c=IN, o=GOVERNMENT OF MAHARASHTRA, ou=REVENUE AND FOREST,CID - 917243, postalCode=400032, st=Maharashtra, cn=TIWARI VIRENDRA RAMBAHAL
Date: 2015.09.23 12:33:23 +05'30'

(Virendra Tiwari)
Chief Conservator of Forests (Mantralaya)
Revenue & Forest Department.

To:

1) Principal Secretary to Hon. Chief Minister of Maharashtra, Mantralaya, Mumbai.
2) Private Secretary to Hon. Minister (Forest) Govt. of Maharashtra, Mantralaya, Mumbai.
3) Chief Secretary, Govt. of Maharashtra, Mantralaya, Mumbai.
4) Secretary, Ministry of Environment, Forests, and Climate Change, Govt. of India, New Delhi.
5) Additional Chief Secretary (Environment), Government of Maharashtra.
6) Additional Chief Secretary / Principal Secretary / Secretary, Finance Department, Government of Maharashtra.
7) Secretary (Tourism & Culture), Government of Maharashtra.
8) Secretary (Forests), Revenue & Forest Department, Govt. of Maharashtra.
9) Principal Chief Conservator of Forests (HoFF), M.S. Nagpur.

10) Principal Chief Conservator of Forests (Wildlife), M.S. Nagpur.
11) Chairperson, Maharashtra State Biodiversity Board.
12) Additional Principal Chief Conservator of Forests (Wildlife West), Borivali West, Mumbai.
13) Commander, Coast Guards Region (West) Mumbai, Maharashtra.
14) Chief Executive Officer, Maharashtra Maritime Board, Mumbai.
15) Commissioner of Fisheries, Maharashtra State.
16) Divisional Commissioner, Konkan Division.
17) Chief Conservator of Forests, Mangrove Cell, Mumbai.
18) Chief Conservator of Forests (Territorial), Thane Circle.
19) Chief Conservator of Forests (Territorial), Kolhapur Circle.
20) Conservator of Forests (Wildlife), Thane.
21) Member Secretary, Maharashtra Coastal Zone Management Authority.
22) Director, National Institute of Oceanography , Panaji, Goa.
23) Select File (Desk F-3).

Accompaniment to Government Resolution No. S-30/2015/ CR 219/ F-3
Dated 23 September 2015

MEMORANDUM

OF

ASSOCIATION

&

RULES AND REGULATIONS

OF

MANGROVE AND MARINE BIODIVERSITY CONSERVATION FOUNDATION OF MAHARASHTRA

A society registered under the provisions of the

Societies Registration Act (XXI) of 1860

MEMORANDUM OF ASSOCIATION

NAME OF THE SOCIETY, ITS REGISTERED OFFICE AND AREA OF OPERATION

1. The name of the Society shall be "Mangrove and Marine Biodiversity Conservation Foundation of Maharashtra" (hereinafter referred to as the Foundation).

2. The registered office of the Foundation shall be situated in Mumbai in the Office of the Chief Conservator of Forests, Mangrove Cell at Mumbai.

3. The area of operation of the Foundation shall be all the coastal districts in the State of Maharashtra and shall include adjoining territorial water (or territorial sea).

MAIN OBJECTS OF THE FOUNDATION

4. The Foundation is established as a non-profit society to carry out the following objectives:

   (a) To conserve ecology and biodiversity of mangroves and marine biodiversity of Maharashtra, and the activities will include its protection, maintenance, restoration, regeneration, breeding, sustainable use and preservation of the same consistent with the relevant statutory provisions covering wildlife habitats and landscapes in coastal areas, marine zones, coral reefs, mangroves, beaches, sand dunes, mudflats etc.

   (b) To promote sustainable livelihood opportunities, cultural heritage and community resilience (to address vulnerabilities including those caused by climate change) of local communities particularly fisher folk in the coastal areas of Maharashtra through awareness generation and capacity building programs.

   (c) To promote sustainable natural resource-based economic activities in rural areas of coastal, island and marine regions of the State.

   (d) To promote eco-tourism and support development of related infrastructure facilities for nature education and enjoyment of general public and visitors in coastal, island and marine areas.

   (e) To promote ecological and multi-disciplinary research for conservation, restoration and protection of mangroves and marine biodiversity in coastal, island and marine areas of the State with active involvement of key stakeholders including Central and State

Governments and their undertakings, academic institutions and reputed Non-Government Organizations.

(f) To promote nature education on protection and conservation of mangroves and marine biodiversity.

(g) To mobilize resources from the civil society, universities, academic institutions, donor agencies, reputed companies, corporations, organizations and other bodies as well as researchers, volunteers and other persons for protection, conservation, development and sustainable utilization of mangroves and marine biodiversity in the State.

(h) To coordinate related works with experts, professionals, consultants, agencies, institutions, universities, organizations, associations and such other bodies engaged in research, protection, restoration, regeneration and development of mangroves and marine biodiversity.

(i) To facilitate collection, compilation and dissemination of information relating to mangroves, marine biodiversity and such other information as may be relevant to the objects of the Foundation from time to time.

(j) To provide inputs and suggestions regarding policies and schemes designed for conservation of mangroves and marine biodiversity in the state as well as sustainable livelihood development of local communities including fisher folks.

(k) To support the implementation of projects on coastal and marine biodiversity conservation, including the UNDP-GEF (Global Environment Facility) Project for Sindhudurg Coast, the GIZ project and other similar projects implemented by Mangrove Cell, to ensure the long-term sustenance of the project initiatives well beyond the project period and to replicate the successful programmes and best practices from these projects, elsewhere.

(l) To do all such things as may be necessary, incidental or conducive to the attainment of the objectives of the Foundation.

THE MEMBERS OF BOARD OF GOVERNORS

5. Subject to the Rules of the Society, the management, supervision and control of the affairs of the Society shall vest in the Board of Governors. The Occupations of the Board of

Governors of the Foundation to whom the management of affairs of the society as per its aims and objects shall be vested-:

Sr. No.	Occupation (official designations)	Designation
1	Honorable Chief Minister of Maharashtra	Patron
2	Honorable Minister (Forests), Maharashtra State	Chairperson
3	One member of State Legislature nominated by the Government of Maharashtra	Member
4	Additional Chief Secretary /Principal Secretary/ Secretary, Finance Department, Government of Maharashtra	Member
5	Additional Chief Secretary /Principal Secretary/ Secretary (Environment), Government of Maharashtra.	Member
6	Additional Chief Secretary /Principal Secretary/ Secretary (Tourism & Culture), Government of Maharashtra.	Member
7	Additional Chief Secretary /Principal Secretary/ Secretary (Forests), Revenue & Forest Department, Government of Maharashtra.	Member
8	Principal Chief Conservator of Forests (HOFF), Maharashtra State.	Member
9	Principal Chief Conservator of Forests (Wildlife), Maharashtra State.	Member
10	Additional Principal Chief Conservator of Forests (Wildlife West), Borivali West, Mumbai.	Member
11	Divisional Commissioner, Konkan Division.	Member
12	Chief Conservator of Forests (Territorial), Thane Circle	Member

Sr. No.	Occupation (official designations)	Designation
13	Chief Conservator of Forests (Territorial), Kolhapur Circle	Member
14	Chief Executive Officer, Maharashtra Maritime Board, Mumbai	Member
15	Commissioner of Fisheries, Maharashtra State	Member
16	Chairperson, Maharashtra State Biodiversity Board	Member
17	Commander, Coast Guards Region (West) Mumbai, Maharashtra	Member
18	Representative of Ministry of Environment, Forests & Climate Change, Govt. of India	Member
19	Director, National Institute of Oceanography or his representative	Member
20	A person having expertise on Mangrove/ Coastal Biodiversity nominated by Government of Maharashtra	Member
21	Representative of Fishing Community nominated by Government of Maharashtra	Member
22	Representative of a Non-Government Organization working on coastal and marine biodiversity conservation	Member
23	Chief Conservator of Forests, Mangrove Cell, Mumbai	Member Secretary

SIGNATURE OF THE FIRST MEMBERS

6. We, the undersigned whose designations and addresses are hereunder subscribed are desirous of being formed into a Society in pursuance of this Memorandum of Association and set out several respective hands hereunto and form ourselves into a Society under the Societies Registration Act (XXI of 1860) and held ourselves responsible to manage the affairs of the Society as per the Rules of the Society, a copy of which, duly certified to be a true copy by members of the Board of Governors, is filed herewith along with this Memorandum of Association.

Dated this …………day of the month of ……………… in the year ……………

Sl. No.	Designation	Address	Signature
1.	Secretary (Forests), Govt. of Maharashtra	Revenue & Forest department, 4th Floor, Madam Cama Rd, Mantralaya, Mumbai, Pin Code- 400032	
2.	Principal Chief Conservator of Forests(HOFF), Maharashtra State, Nagpur	Van Bhavan, Civil line, Ramgiri Road, Nagpur, Maharashtra State, Pin Code- 440001	
3.	Principal Chief Conservator of Forests (Wildlife), Maharashtra State, Nagpur	Van Bhavan, Civil line, Ramgiri Road, Nagpur, Maharashtra State, Pin Code- 440001	
4.	Additional Principal Chief Conservator of Forests (Wildlife West), Borivali West, Mumbai	L.T. Road, Near Old MHB Bus Stop, Forest Qtr, Borivali	
5.	Divisional Commissioner, Konkan Division	Konkan Division, 1st Floor, Opposite Jahangir Art Gallery, Old Secretariat, Fort,Mumbai - 400 032	
6.	Chief Conservator of Forests, Mangrove Cell	II Floor, A Wing, S. R. A. Bldg, Anant Kanekar Marg, Bandra(East), Mumbai- 400 051	
7.	Chief Conservator of Forests (Territorial), Thane	Microwave Tower, Barabangla, Kopri, Thane East, Pin Code- 400603	

In the presence of

1.

2.

Accompaniment to Government Resolution No. S-30/2015/ CR 219/ F-3
Dated 23 September 2015

MANGROVE AND MARINE BIODIVERSITY CONSERVATION FOUNDATION OF MAHARASHTRA

RULES AND REGULATIONS

1. NAME OF THE SOCIETY

The Name of the Society shall be "Mangrove and Marine Biodiversity Conservation Foundation of Maharashtra".

2. REGISTERED OFFICE OF THE FOUNDATION

The Registered Office of the Foundation shall be situated in the Office of the Chief Conservator of Forest, Mangrove Cell, Mumbai.

3. DEFINITIONS

In the Memorandum and the Rules, unless the context otherwise requires:

(a) "Act" shall mean The Societies Registration Act, 1860 and rules made there under both amended from time to time.

(b) "Central Government" shall mean the "Government of India"

(c) "Foundation/ Society" shall mean "Mangrove and Marine Biodiversity Conservation Foundation of Maharashtra".

(d) "Intellectual Property Rights" shall mean any and all rights in patents, trademarks, copyrights and designs pertaining to symbols, names, images, logos, course content, product, material, software, design, digital or non-digital material or other work created as a consequence of implementation of the objects of the Society and all other intellectual property rights and equivalent and similar forms of protection, whether registered or unregistered, as well as the applications for registration and the right to apply for registration of any of these rights, in all cases which are used or owned by the Foundation

(e) "Rules" shall mean the rules of the Foundation as amended from time to time by its Board of Governors.

(f) "State Government" shall mean the "Government of Maharashtra,"

(g) Words, terms and expressions used in this Memorandum of Association and Rules not specifically defined but defined in any other relevant Act, Code or Rules shall have meaning consistent with furtherance of the objects of the Foundation respectively assigned to them in the relevant Act, Code or Rules and subject to definitions included in the Rules of the Foundation from time to time.

4. MEMBERSHIP

The minimum number of members with which the Foundation proposes to register is 7 (seven), and the maximum number shall be 31 (thirty one). Thereafter, the membership may be increased or decreased with prior concurrence of the Government of Maharashtra. Under no circumstance shall the membership of the Foundation fall below seven.

5. REGISTER OF MEMBERS

The Foundation shall maintain a register of members giving their names, occupations and addresses and every member shall sign the register. Every change of address shall be notified to the Secretary of the Foundation

6. BOARD OF GOVERNORS

(a) The general body of the foundation shall consist of Members of the Board of Governors from Public Bodies, subscribing to the aims and objects of the Foundation.

(b) The Management of the Affairs of Foundation will be entrusted in accordance with the rules of the foundation to its 'Board of Governors', which shall be constituted as such under the rules of the Foundation.

(c) The Board of Governors of the Foundation shall abide by directions of the Revenue & Forest Department, Government of Maharashtra on matters pertaining to conservation of mangroves and marine wildlife in the State.

(d) The Board of Governors may form such committees, as deemed fit, for the purpose of performing duties and obligations assigned to it concerning achievement of the objectives of the Foundation and on such terms and conditions and such Rules and Regulations as the Board of Governors may frame and impose in this regard.

7. TERMINATION OR CESSATION OF MEMBERSHIP OF THE BOARD OF GOVERNORS

(a) An Ex-officio member of the Board of Governors shall become a member by reason of the office of the appointment he/she holds. His/her membership of the Board of Governors shall terminate when he/she ceases to hold that office, post or appointment.

(b) A representative member of the Board of Governors appointed in the representative capacity, shall cease to hold his/her office of appointment when he/she ceases to hold that representative capacity.

(c) A member of the Board of Governors, so nominated by the State Government of Maharashtra, shall cease to hold his/her office of appointment after a tenure of three years, subject to re-appointment by the State Government of Maharashtra.

8. PROCEEDINGS OF THE BOARD OF GOVERNORS

(a) A Board of Governors shall govern the affairs of the Foundation.

(b) The general supervision, management and control of the Foundation shall be vested in the Board of Governors.

(c) The Board of Governors shall have all the powers and duties necessary for the administration of the affairs of the Foundation and may do all such acts and things in the manner as prescribed under these Rules.

9. MEETINGS

(a) The meeting of the Board of Governors shall be held at least twice a year.

(b) Minimum fifteen (15) days' notice or any such period as decided by the Board of Governors shall be required for calling the Board Meeting and every such meeting shall be called in writing by and under the signature of the Member Secretary of the Board of Governors, enclosing the agenda and specifying date, time and place of the meeting.

(c) A total of 7 (seven) members including the Chairperson of the Board of Governors present in person or proxy including the Nominated Member(s), shall form a quorum for the transaction of business, but if any meeting has to be adjourned for want of quorum, then at the adjourned meeting, the members present, irrespective their number, shall form a quorum and shall have power to decide upon all matters which could have been disposed of at the meeting of the Board of Governors from which the adjournment took place.

(d) An urgent Meeting of Board of Governors may be called at 5 (five) days' notice but the quorum for the urgent Board meeting shall be 5 (five) members of the Board of Governors present in person or proxy including the Nominated Member(s).

(e) If the Chairperson of the Foundation is not present at the time appointed for holding the meeting, or is unable to attend and act as the Chairperson of the meeting, then the members of the Board of Governors shall nominate any member amongst themselves to act as Chairperson only for that particular meeting.

(f) The person presiding at the meeting shall decide on the admissibility of any question or proposition, and shall disallow the same, if in his opinion, it contravenes these Rules or, is otherwise, inadmissible and his decision thereon shall be final.

(g) All decisions shall be taken by simple majority of votes of the members. In the event of equality of votes, the Chairperson of the meeting shall have a second or casting vote.

(h) The minutes of the proceedings of the meeting shall be recorded and such minutes after due approval and signed by the Member Secretary, shall be conclusive proof of the business transacted in the meeting.

10. FUNCTIONS AND POWERS OF THE BOARD OF GOVERNORS

Subject to the provisions of the Memorandum of Association and these Rules, the Board of Governors shall have the powers:

(a) To give overall policy guidance and direction for efficient functioning of the Foundation.

(b) To approve the work program and list of activities prepared by and/or submitted to the Foundation and periodically monitor the same thereby supporting coastal and marine biodiversity conservation initiatives of Maharashtra.

(c) To consider and sanction (with or without modifications) the budget estimated for the ensuing year.

(d) To receive, consider and adopt the Annual Report and audited Statement of Accounts of the Foundation.

(e) To raise funds, securing and accepting endowments, grants-in-aid, donations, or gifts to the Foundation on mutually agreed terms and conditions or gifts which shall not be inconsistent or in conflict with the objectives of the Foundation and are in the interest of the State subject to the Central and State Government rules as may be applicable from time to time.

(f) To take over and/or acquire in the name of the Foundation by purchase, gift, donation or otherwise from government and other public bodies or private individuals, any movable and immovable properties and assets in the State or elsewhere or other funds together with any attendant obligation and engagement not inconsistent with the objectives of the Foundation and the provisions of the State or Central Government as may be applicable from time to time.

(g) To appoint committee(s) or sub-committee(s), group(s), task force(s) comprising of experts, its Members and/or staff of the Foundation for the conduct of any business of the Foundation or to take up any special activity on behalf of the Board and delegate to it such powers as considered necessary. Any such committee or sub-committee(s), group(s), task force(s) shall report to the Board.

(h) To delegate to such extent as it may deem necessary, any of its powers to any officer or committee.

(i) To make, enforce, adopt, amend, vary or rescind from time to time rules and bye-laws for the regulation of and for any purposes connected with the management and administration of the affairs of the Foundation and for the furtherance of its objects.

(j) To create, form, promote or to associate with any other association, foundation, company or body in the creation, formation, or promotion of any other body, whether incorporated or not, and whether any committee or sub-committee of the

Foundation or not, and to affiliate with such body, or to merge any other body with the Foundation, and also to delegate to any such body any of its powers.

(k) To prescribe the duties of all officers and staff of the Foundation and exercise such supervision and control as may be necessary.

(l) To perform such additional functions and to carry out such duties as may from time to time be assigned to it by the Foundation or required to be performed to attain the object of the Foundation.

(m) The Board of Governors may create new classes of membership from time to time for such specific periods, and fill them by co-option of such members, as it deems desirable and necessary in the interest of the Foundation.

(n) The occupation and designation of the members of the Board of Governors are:

Sr. No.	Occupation (official designations) and addresses	Designation
1	Honorable Chief Minister of Maharashtra	Patron
2	Honorable Minister (Forests), Maharashtra State	Chairperson
3	One member of State Legislature nominated by the Government of Maharashtra	Member
4	Additional Chief Secretary /Principal Secretary/ Secretary, Finance Department, Government of Maharashtra	Member
5	Additional Chief Secretary /Principal Secretary/ Secretary (Environment), Government of Maharashtra.	Member
6	Additional Chief Secretary /Principal Secretary/ Secretary (Tourism & Culture), Government of Maharashtra.	Member
7	Additional Chief Secretary /Principal Secretary/ Secretary (Forests), Revenue & Forest Department, Government of Maharashtra.	Member

Sr. No.	Occupation (official designations) and addresses	Designation
8	Principal Chief Conservator of Forests (HOFF), Maharashtra State.	Member
9	Principal Chief Conservator of Forests (Wildlife), Maharashtra State.	Member
10	Additional Principal Chief Conservator of Forests (Wildlife West), Borivali West, Mumbai.	Member
11	Divisional Commissioner, Konkan Division.	Member
12	Chief Conservator of Forests (Territorial), Thane Circle	Member
13	Chief Conservator of Forests (Territorial), Kolhapur Circle	Member
14	Chief Executive Officer, Maharashtra Maritime Board, Mumbai	Member
15	Commissioner of Fisheries, Maharashtra State	Member
16	Chairperson, Maharashtra State Biodiversity Board	Member
17	Commander, Coast Guards Region (West) Mumbai, Maharashtra	Member
18	Representative of Ministry of Environment, Forests & Climate Change, Govt. of India	Member
19	Director, National Institute of Oceanography or his representative	Member
20	A person having expertise on Mangrove/ Coastal Biodiversity nominated by Government of Maharashtra	Member
21	Representative of Fishing Community nominated by Government of Maharashtra	Member

Sr. No.	Occupation (official designations) and addresses	Designation
22	Representative of a Non-Government Organization working on coastal and marine biodiversity conservation	Member
23	Chief Conservator of Forests, Mangrove Cell, Mumbai	Member Secretary

11. POWERS AND DUTIES OF CONSTITUENTS OF THE BOARD OF GOVERNORS

A. CHAIRPERSON

(a) The Chairperson shall have the power to give or lay general guidelines for the management of the affairs relating to the Foundation.

(b) He shall be the Chairperson of the Board of Governors, and shall summon and preside over all the Board meetings of the Foundation.

(c) In the course of any proceedings or meetings of the Board, the decision of the Chairperson shall be considered as final, except for the matters that are decided by ballot or voting.

(d) He shall have the power to allow inclusion of any subject/matter in the agenda for the discussion in the course of Board meeting.

(e) In case it is necessary to decide any point/matter/issue urgently and there is no time to call the Board meeting, the Chairperson shall have the powers to decide the point/issue/matter but he/she shall bring the matter to the notice of the Board as early as possible, for getting the same ratified.

B. MEMBER SECRETARY

(a) The Member Secretary shall convene meetings of the Board whenever necessary or called upon to do so.

(b) Will prepare the Register of Members as well as the proceedings register to record the minutes of the proceedings of the Board meetings and/or urgent meetings of the Board and get it duly signed by the Members who attend the meetings.

(c) Will attend to all correspondence and give effect to the directions and decisions taken in such meetings.

(d) Prepare an Annual Report and Financial Statement of Accounts under the guidance of the Board.

(e) Generally perform all such duties as are incidental to the office of the Member Secretary.

12. EXECUTIVE COMMITTEE

(a) Subject to the rules and regulations and orders of the Foundation, day-to-day affairs of the Foundation shall be administered by the Executive Committee which shall consist of the following:

Sr. No.	Name and Address	Designation
1	Chief Conservator of Forests, Mangrove Cell	Chairperson
2	Chief Conservator of Forests (Territorial), Thane or his representative	Member
3	Chief Conservator of Forests (Territorial), Kolhapur or his representative	Member
4	Conservator of Forests (Wildlife), Thane	Member
5	Member Secretary, Maharashtra Coastal Zone Management Authority	Member
6	A person having expertise on Mangrove/ Coastal Biodiversity and Member, Board of Governors	Member
7	A representative of Non-Government Organization working on coastal and marine biodiversity conservation and Member, Board of Governors	Member
8	A Representative of the Maharashtra State Biodiversity Board	Member
9	Divisional Forest Officer/ Deputy Conservator of Forests, Mangrove Cell	Member Secretary

(b) The Board of Governors may nominate any person as a member of the Executive Committee and such person shall be duly admitted as member of the Executive Committee.

(c) Chairperson of the Executive Committee shall be designated as "Executive Director" of the Foundation.

13. TERMINATION OR CESSATION OF MEMBERSHIP OF EXECUTIVE COMMITTEE

(a) An Ex-officio member of the Executive Committee shall become a member by reason of the office of the appointment he /she holds. His/her membership of the Executive Committee shall terminate when he/she ceases to hold that office, post or appointment.

(b) A representative member of the Executive Committee appointed in the representative capacity, shall cease to hold his/her office of appointment when he/she ceases to hold that representative capacity.

(c) A member of the Executive Committee so nominated by the Board of Governors shall cease to hold his/her office of appointment after a tenure of three years, subject to re-appointment by the Board of Governors.

14. PROCEEDINGS OF THE EXECUTIVE COMMITTEE

(a) Subject to the overall supervision and policy decisions of the Board of Governors, the Executive Committee shall be responsible for the management, administration and control of the affairs of the Foundation

(b) An Executive Committee meeting shall be held at least once in three months or as and when the Executive Committee may decide from time to time.

(c) Minimum seven (7) days' notice or any such period as decided by the Executive Committee shall be required for calling the meeting and every such meeting shall be called in writing by and under the signature of the Member Secretary of the Executive Committee, enclosing the agenda and specifying date, time and place of the meeting.

(d) Minimum four (4) members of the Executive Committee present in person shall form a quorum for the transaction of business.

(e) If the Chairperson of the Executive Committee is not present at the time appointed for holding the meeting, or is unable to attend and act as the Chairperson of the meeting, then the member of the Executive Committee shall nominate any member among themselves to act as Chairperson only for that particular meeting.

(f) The person presiding at the meeting shall decide on the admissibility of any question or proposition, and shall disallow the same, if in his opinion, it contravenes these Rules or, is otherwise, inadmissible and his decision thereon shall be final.

(g) All decisions shall be taken by simple majority of votes of the Members.

(h) The minutes of the proceedings of the meeting shall be recorded and such minutes after due approval and signed by the Member Secretary, shall be the conclusive proof of the business transacted in the meeting.

15. FUNCTIONS & POWERS OF THE EXECUTIVE COMMITTEE

Subject to the provisions of the Memorandum of Association and these Rules, the Executive Committee shall have the powers:

(a) To prepare and execute detailed plans and programs for carrying on its administration and management after such establishment;

(b) To prepare the budget estimates of the Foundation for each year;

(c) To prepare and maintain accounts and other relevant records and annual Statement of Accounts including the balance sheet of the Foundation;

(d) To enter into arrangements with other public and private organisations or individuals for furtherance of its objectives.

(e) To accept aid, donation, bequest or gift for the Foundation.

(f) To provide funds/ loans or advances to the concerned Department to meet exigencies till the funds are received from the Government.

(g) To provide for day to day management of the affairs of the Foundation.

(h) To exercise executive powers that shall be required to be exercised for the purpose of attaining the objects of the Foundation.

(i) To perform such functions as are assigned to it by the Board of Governors.

(j) Such other business that is required to be done by the Executive Committee.

16. POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR

The Chief Conservator of Forests, Mangrove Cell shall act as the Executive Director of the Foundation. The Executive Director shall be the Chief Executive Officer of the Foundation and shall exercise general supervision and control over the affairs of the Foundation and implement the decisions of the Foundation. It shall be the duty of the Executive Director to ensure that the Memorandum of Association, the Rules, Bye-laws and Regulations of the Foundation are duly observed and implemented and he shall have all the necessary powers in this regard. He shall be the custodian of all records, assets and belongings of the Foundation.

Without prejudice to the generality of powers and duties, the Executive Director shall have full functional autonomy and shall exercise the following powers inter-alia:

(a) Consider and approve programs of the Foundation within the scope of the objectives of the Foundation and within the scope of budget as approved by Board of Governors

(b) Consider and approve duration, contents and financial outlays for trainings and awareness campaigns

(c) Draw up development plans of the Foundation, as approved by Board of Governors

(d) To make official correspondence on behalf of the authorities of the Institute.

(e) Cooperate and collaborate with other State level, National level and International Institutions, Organisations in the pursuit of its objectives

(f) Coordinate with resource/knowledge groups/federations, both national and international, to create employment opportunities, training and skill and enterprise

development and shall liaise with the Government/corporate sector/autonomous government sectors to achieve the objectives of the Foundation

(g) Acquire by gift, purchase, exchange, lease/hire or otherwise any property movable or immovable and to construct, improve/alter, demolish or repair buildings, works and constructions as may be necessary or convenient for carrying on the activities of the Foundation as approved by the Board of Governors

(h) Negotiate, enter into and make contracts and deeds on behalf of the Foundation, subject to directives of the Board of Governors

(i) Solicit and receive grants, gifts, donations or other contributions from the Central / State Government or from any other source of reputation, provided that no benefaction shall be accepted by the Foundation which involves conditions or obligations contrary to the objectives of the Foundation

(j) To get the account of the Foundation audited by the qualified auditor appointed by the Board of Governors.

(k) To ensure compliance of all statutory formalities and rules and regulations.

(l) To open and operate accounts with banks.

(m) To draw and accept, make and endorse, discount and negotiate Government of India's and other promissory notes, bills of exchange, cheques or other negotiable instruments on behalf of the Foundation.

(n) Subject to prior approval of the Board of Governors, to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities founded or based on any of the properties and asset of the Society or without any securities and upon such terms and conditions as it may think fit and to pay from the funds of the Society, all expenses incidental to the raising of the money and to repay and redeem any money borrowed.

(o) Subject to prior approval of the Board of Governors, to invest the funds of the Foundation or money entrusted to the Foundation in or upon such government securities and in such manner as may deem fit and from time to time transpose any investment subject to prior approval of the Board of Governors.

(p) To regulate recurring and non-recurring expenditure during the year based on income from different sources of the Foundation.

(q) To prosecute, sue and defend all legal actions for and on behalf of the Foundation.

(r) To interact with different agencies for furthering the objective of the Foundation.

(s) To manage and control the staff and take disciplinary action, if necessary.

(t) Such other functions and powers as may be delegated to the Executive Director by the Board of Governors.

(u) To exercise such other powers and perform such other functions as may be prescribed by the Rules, Regulations and Bye-laws.

17. POWERS AND DUTIES OF THE FINANCE OFFICER

(a) The Finance Officer shall be a person appointed by the Board of Governors as prescribed by the Bye laws.

(b) The Finance Officer shall be accountable for all financial matters of the Foundation including investment of the funds and financial aspects pertaining to managing its properties, and work under supervision of the Executive Director. Subject to control of the Board of Governors of the Foundation, he shall be responsible for preparing annual budget estimates and statements of account for submission to the Executive Committee and the Board of Governors.

18. FUNDS AND PROPERTIES OF THE FOUNDATION

(a) The Foundation shall raise funds as follows: (a) Revenue generated by the Foundation out of its own assets, its activities and investments;(b) Grants/funding made available by the Central and the State Governments or other organizations, and (c) donations and contributions from other sources.

(b) All the income and funds of the Foundation received from any source shall be utilized only for promotion of the aims and objects of the Foundation, and shall not be transferred or paid directly or indirectly by way of dividend, bonus or otherwise,

by way of profit to a person who at any point of time has been the member of the Foundation or to any of them or to any person claiming through them.

(c) Provided that nothing herein contained shall prevent the payment of remuneration to any person engaged by the Foundation in return of any service rendered to the Foundation or for any related administrative expenses.

19. MANAGEMENT OF FUNDS & ACCOUNTS OPERATION

(a) The Foundation shall prepare detailed account of expenditure and receipts,

(b) All the amounts shall be kept in any scheduled bank(s) and the bank accounts shall be operated by the signature of the Executive Director or its Finance Officer, as authorized by the Board of Governors.

20. AUDIT

The accounts of the Foundation shall be audited by a qualified auditor (chartered accountant) every year and have a Balance Sheet prepared by him and the audited accounts shall be discussed and approved by the Board of Governors in its annual meeting held for the purpose. The auditor shall also submit a report showing the exact state of financial affairs of the Foundation. Three copies of the Balance Sheet and the Auditor's report shall be certified by the Auditor.

21. ANNUAL REPORT

(a) The financial year of the Foundation shall be from April 1 to March 31. A copy of the last financial statement and the report of the Auditor shall be kept in a conspicuous place in the office of the Foundation.

(b) The Board of Governors shall submit a report on the working of the Foundation annually to the Government of Maharashtra. Such report shall contain particulars regarding the work of the Foundation during the previous year, and shall be accompanied by a balance sheet duly audited showing the income and expenditure of the Foundation during the said year.

22. BOOKS AND ACCOUNTS

(a) The Foundation shall keep at its registered office proper books of account with respect to:-

i. all sums of money received and the source thereof and all sums of money expended by the Foundation and the matters in respect of which the receipt and expenditure take place.

ii. all sales and purchase of goods by the Foundation.

iii. the assets and liabilities of the Foundation.

(b) The income and expenditure account shall be annexed to the balance sheet and the Auditor's report (including the Auditor's special or supplementary report) shall be attached thereto and copies thereof shall be supplied to the members of the Foundation.

23. ALTERATION OF RULES

(a) Subject to the provisions of the Act and the Rules herein, the Foundation may alter its Rules.

(b) The Rules may be altered at any time by a resolution passed by a majority of the members of the Board of Governors, duly convened and held for the purpose, and the changes shall be effective after obtaining concurrence of the Government of Maharashtra.

(c) The Rules (so altered, added to and modified) shall operate with effect from the date of registration of amended rules with the Registrar of Societies.

(d) Change of Name: Subject to the provisions of Sec 12A of the Act, the name of the Foundation may be changed by the Board of Governors as and when necessary, with the approval of the State Government of Maharashtra and in accordance with the present Rules and the change in name, so altered and modified shall operate from such date as shall be notified. The change in the name of the Foundation shall

not affect any rights or obligations of the Foundation or render defective any legal proceedings by or against the Foundation and any legal proceedings, which might have been continued or commenced by or against it by its new name.

(e) Change in aims and objects of the Foundation: The Board of Governors, with the approval of the State Government of Maharashtra and in accordance with the provisions of Sec 12 of the Act and present Rules, may change the aims and objects of the Foundation subject to clearance from competent authorities under the Act.

24. BYE-LAWS:

Subject to the provisions of the Memorandum of Association and the Rules and Regulations, the Board of Governors shall have the power to frame Bye-laws which may provide for but not be restricted to all or any of the following matters:

(a) The classification, emoluments, method of appointment, and the determination of the terms and conditions of service of staff and consultants of the Foundation.

(b) The establishment, composition and functions of any of its committees, centers, and research stations which may be considered necessary for furthering the objects of the Foundation.

(c) All matters related to training programs to be conducted by the Foundation.

(d) All matters pertaining to fellowships, internships, scholarships, medals, prizes and research projects to be handled by the Foundation.

(e) The procedures, terms and conditions to be followed for awarding/sanctioning projects, grants, temporary loans, funds, fellowships and procurement of goods and services of the Foundation.

(f) The establishment matters including provident fund, allowances, etc., for the benefit of staff of the Foundation.

(g) The preparation and submission of budget estimates.

(h) The laying down of procedures to be observed at any board, meeting of any authority or any Committees.

(i) Any other matters which by the Memorandum of Association or these Rules may be provided for by the Bye-laws.

25. INCOME AND PROPERTY OF THE FOUNDATION

The income and property of the Foundation, howsoever derived, shall be solely utilized and applied towards the promotion of the aims and objects as set forth in this Memorandum of Association subject to such limitations as the State Government may from time to time impose including those in respect of grants made by the State Government or the Central Government. No portion of income and property of the Foundation shall be paid or transferred directly or indirectly by way of dividend, gift, division, bonus or otherwise in any manner whatsoever by way of profits to the persons who may at any time be or have been members of the Foundation to any persons claiming through them; provided that nothing herein contained shall prevent payment in good faith of reasonable and proper remuneration to any officer, servant or persons engaged by the Foundation in return for any services rendered to the Foundation.

26. DISSOLUTION OF THE FOUNDATION

In the case where the Foundation has to be dissolved with the prior approval of the State Government for appropriate reasons, the property and funds of the Foundation that remains after discharging the debts and liabilities, if any, shall not be paid to, or distributed amongst the members of the Foundation or anyone of them but shall accrue to the State Government of Maharashtra which will decide about its utilization in accordance with law or would transfer, give or pay the same to some other institutions with similar aims and objectives, as the Govt. of Maharashtra deems fit.

27. INTELLECTUAL PROPERTY RIGHTS

The Intellectual Property Rights related to any work carried out by the Foundation shall, at all times, vest and be retained solely by the Foundation.

28. RIGHTS OF THE STATE GOVERNMENT OF MAHARASHTRA

Notwithstanding anything contained in any of these Rules, the State Government of Maharashtra may, from time to time issue such directives as it may consider necessary in regard to the finance, conduct of business and affairs of the Foundation and in like manner may vary such directives. The Foundation shall give immediate effect to the directives so issued. In particular the Government of Maharashtra will have the power:

(a) to give directions to the Foundation as to the exercise and performance of its functions in matters involving national security and substantial public interest.

(b) to call for such returns, accounts and other information, with respect to the property and activities of the Foundation as may be required from time to time.

(c) to approve agreement involving collaboration proposed to be entered into by the Foundation.

29. APPLICATION OF THE ACT

Except as stated herein or provided under the Rules and Regulations from time to time, all the other provisions of the Act, as applicable to the State of Maharashtra shall apply to the Foundation.

30. SUBMISSION OF ANNUAL LIST

Once in every year a list of office bearer and members of the Society shall be filed with the Register of Societies as per provisions of section 4 of the Act and Rule 7 of the Societies Registration (Maharashtra) Rules, 1971.

31. LEGAL PROCEEDINGS

The Society may sue or be sued in the name of the Chairman or the Secretary of the Society or a person appointed by the Board of Governors as per the provisions laid down under section 6 of the Societies Registration Act, 1860.

32. MISCELLANEOUS

(i) As and when there is any change in the nomenclature of ministries, departments or institutions and designation mentioned such changes shall automatically stand incorporated in the rules of the Foundation.

(ii) Every staff of the Foundation may be sued or prosecuted by the Foundation for any loss or damage caused to the Foundation or its property or for anything done by him/ her detrimental to the interest of the Foundation.

33. ESSENTIAL CERTIFICATE

"Certified that this is the correct copy of the rules and regulations of the Foundation"

CHAIRPERSON, Board of Governors ___________________

MEMBER SECRETARY, Board of Governors __________________

One MEMBER of the Board of Governors

Other than Chairperson and Member-Secretary ___________________